

REMARKS

Applicants note that the current office action does not appear to account in any way for the response filed 9 April 2004. The current office action does not address the amendments or arguments of that office action.

The Amended Claims Comply with 35 USC §112

The Examiner's rejection of claim 1 under paragraph 12 are not understood. Neither of the phrases "and/or" or "the occurrence" appeared in the amended claims presented in the last response. The above notwithstanding, the amendments are believed to obviate the grounds for rejection of the claims under 35 USC §112 paragraph Two.

The Claimed Subject Matter is Patentable over the Art

Unlike the systems of the prior art, which sell “options” which are really just price guarantees, the invention of the present application is designed to create options for tickets to attend events based on contingencies – such as what team or other participant will ultimately appear at the event. In order to expedite prosecution of certain claims directed to embodiments being readied for commercialization, the claims have been amended to be directed to methods and systems of selling options to sporting playoff events. To illustrate this embodiment, any given playoff event will have tickets (seats) available for the event before the actual identity of the teams is known. One such event is the Super Bowl. National Football League Fans are notoriously loyal to particular teams, but the two particular teams that will appear in the Super Bowl are not known until a week or two before that game. A fan of a particular team may not wish purchase a game ticket unless his/her team will be in the game; that is, the fan's desire to attend the game is contingent on the outcome of a future event(s), namely the progression of a team through the earlier playoff games.

The methods and systems of the pending claim provide for the sale of multiple futures contracts (or options) for a given ticket to a playoff sporting event, where each option can only be exercised if a fan's chosen team qualifies for the playoff game. Thus, a single ticket to the Super Bowl can have up to 16 different options sold for the same ticket – one for each team in the NFC or AFC.

The Examiner's rejection of the claimed subject matter is premised on the argument that the Walker et al. US Patent 5,797,127 teaches a method and corresponding system for allowing remote users to purchase an option or futures contract for a ticket to an event based on the contingency of which team appears. Applicants respectfully disagree. The teachings of the '127 patent are directed to a method for determining a price of an option to purchase an airline ticket, and for facilitating the sale and exercise of those options. According to the specific terms of the '127 patent, “by purchasing an option, a customer can lock in a specified airfare without tying up his money and without risking the loss of the ticket price if his travel plans change. Pricing of the options may be based on departure location criteria, destination location criteria, and travel criteria”.

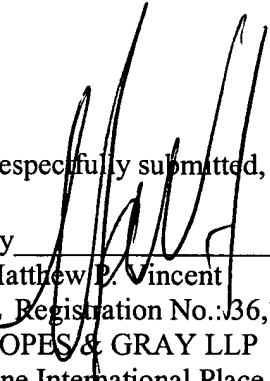
The '127 patent is completely devoid of any teaching or suggestion of a system in which the option for a ticket to a playoff game is sold to multiple different buyers and is exercisable only by one buyer based on the appropriate contingent event of a particular designated team qualifying for the playoff game occurs. Put another way, the Walker patent contemplates the sale of only one option per airline ticket – as a reservation fee.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Applicants hereby request that any fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

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Respectfully submitted,

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